

REMARKS

Claims 1-37 are all of the claims presently pending in the application.

With respect to the alleged prior art rejections, claims 1-37 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Severin (U.S. Patent Pub. No. 2005/0005261).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to (e.g., claim 1), a method of developing actual resources without alteration into a collection of virtual resources customized to a particular audience. The method includes constructing at least one virtual resource independent of an actual resource, storing the virtual resource in a tangible computer readable media, connecting the actual resource to the at least one virtual resource, retrieving the at least one virtual resource from the tangible computer readable media, and extracting at least one descriptor from said at least one retrieved virtual resource. The virtual resource includes a resource utilized at a logic authoring time, while the actual resource includes a resource utilized at a runtime.

II. THE ALLEGED PRIOR ART REFERENCES

A. The Severin (U.S. Patent Pub. No. 2005/0005261) Reference

Claims 1-37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Severin (U.S. Patent Pub. No. 2005/0005261, hereinafter Severin '261). The Examiner alleges that Severin teaches the claimed invention of claims. Applicants submit, however, that Severin '261 does not teach or suggest each feature of the claimed invention.

Severin '261 fails to teach or suggest a *method of developing actual resources without alteration into a collection of virtual resources customized to a particular audience, said method comprising: constructing at least one virtual resource independent of an actual resource; storing the virtual resource in a tangible computer readable media, using a processor on a computer; connecting the actual resource to the at least one virtual resource; retrieving the at least one virtual resource from the tangible computer readable media; and extracting at least one descriptor from said at least one retrieved virtual resource, wherein said virtual resource comprises a resource utilized at a logic authoring time, while said actual resource comprises a resource utilized at a runtime.*

Applicants previously noted that it also does not appear that the disclosure in the publication document of Severin '261 is fully supported by the provisional application. Moreover, it is also noted that Severin '261 (non-provisional application) cannot be used as a reference since it has a latter U.S. filing date than the present Application. Rather, the Examiner must use Severin '251, the provisional application only in order to argue a reasoning for the anticipation rejection.

Therefore, the disclosure of the non-provisional application Severin '261 should not even be referenced when comparing with the claimed invention since Severin '261 is after the filing date of the present application.

However, in the present Office Action, the Examiner argues that the Examiner finds support for construction in the provisional application, see page 6, which defines a constructor as a set of programming logic associated with the creation of an instance.)(paragraph [0248]) at least one virtual resource independent (a virtual model implementation. In addition, the Examiner finds support for a virtual model implementation as a model controller on page 24 of the provisional application.)(paragraph [0248]) of an actual resource (i.e. real

implementation. The Examiner further alleges that he finds support for actual resource in the view controller of the provisional application, see page 25.)(paragraph [0248; 0550]).

However, the constructor is provided only as a definition with no connection with the remaining portion cited in page 24 and 25 of the provisional application. Moreover, on page 24 of the provisional application, it merely recites that it "reduces direct object connections (by connecting objects through event handling) and improves code reuse." However, connections are still shown in the drawings even if they are not direct. Moreover, the disclosure must be enabling and not in reference to the later non-provisional application which should not be used. The non-provisional application cannot be used at all as mentioned above.

In addition, page 20 recites that a CI engine creates connections between objects dynamically at run-time instead of creating object connections at compile-time which is referring to the connections and not the resources. Moreover, on page 21, the provisional application is referring to a teaching that it is not obvious to use a high-level language to write only the parts of a system, then use builders and descriptions of parts to assemble a complex computer system rather than the reference to the run-time.

The Examiner uses meta data from paragraph [0049] as a descriptor from the virtual resource, however, the metadata used in the provisional application is not limited to being utilized at logic authoring time as claimed.

In fact the provisional application Severin '251 on page 9 recites that " It is an object of this invention to allow for the full description of any structured data (including objects) at run-time. This mechanism will be referred to as the "Metadata Design Pattern" and has not been recognized outside of this invention. Therefore, not only does Severin '251 fail to teach or suggest such a limitation of extracting at least one descriptor from said at least one retrieved

virtual resource, wherein said virtual resource comprises a resource utilized at a logic authoring time, while said actual resource comprises a resource utilized at a runtime, but in fact Severin '251 teaches away from the claimed invention.

Therefore, respectfully, there is also no enabling link provided between the different parts of cited provisional application such that there is a teaching or suggestion of the entire claim of constructing at least one virtual resource independent of an actual resource; storing the virtual resource in a tangible computer readable media, using a processor on a computer; connecting the actual resource to the at least one virtual resource; retrieving the at least one virtual resource from the tangible computer readable media; and extracting at least one descriptor from said at least one retrieved virtual resource, wherein said virtual resource comprises a resource utilized at a logic authoring time, while said actual resource comprises a resource utilized at a runtime.

In addition as noted previously, according to MPEP §2131, the following applies in a 35 U.S.C. §102 rejection:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Therefore, as shown above, since the provisional application of Severin '251, alone and without the benefit of the disclosure of the non-provisional application Severin '261, does not identically disclose the invention in as complete detail as contained in the claim, the anticipation rejection must be removed.

The other independent claims are not anticipated by Severin '251 in a similar manner to claim 1.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggest by the provisional application of Severin '251. Severin '261, as mentioned above cannot be used in the rejection in any manner or to explain the provisional application since it dates after the filing date of the present Application. Therefore, Applicants respectfully request the Examiner to withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1-37, all of the claims presently pending in the application, are patentably distinct over the alleged prior art of record and are in condition for allowance. Applicants respectfully request the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicants requests the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 10/665,564
Docket No. YOR920030126US1
YOR.447

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The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0510.

Respectfully Submitted,



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